

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHERYL HESS,

Plaintiff,

v.

Case Number 07-13138

Hon. David M. Lawson

Magistrate Judge R. Steven Whalen

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,  
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, AND DENYING  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Presently before the Court is the report issued on April 29, 2008 by Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. § 636(b), recommending that this Court grant the defendant's motion for summary judgment and deny the plaintiff's motion for summary judgment. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 11] is **ADOPTED**.

It is further **ORDERED** that the defendant's motion for summary judgment [dkt # 10] is **GRANTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt # 6] is

**DENIED.**

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: June 16, 2008

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 16, 2008.

s/Felicia M. Moses  
FELICIA M. MOSES